C.J.'s Court

Civil Writ Petition No. 1289(S/B) of 2002

Smt. Bhubneshwari Kala …….. Petitioner

V/s

State of Uttaranchal and Others …….. Respondents

Hon. A.A.Desai,C.J.
Hon. Irshad Hussain,J.

Heard Sri Rakesh Thapaliyal, learned counsel for the petitioner and learned C.S.C.

The grievance canvassed by the petitioner is that as per conditional order of promotion, the promottee has to join at the place within a period of three days. In case of failure, the promotion was to be treated as cancelled. The respondent no.4 could not join the post within the stipulated period and, therefore, the petitioner claimed that she being the person next in the seniority is entitled to occupy the promotional post. However, in the meanwhile the respondent no.4 on being relieved joined the post on promotion.

Sri Rakesh Thapaliyal, learned counsel for the petitioner argued at length that this is a violative of condition and, therefore, the petitioner alone was entitled for promotional post.

The condition in the order is administrative. It is not so imperative to nullify the right accrued in the employee to have prospects of promotion. As such, we do not see any merit in the petition.

The petition is dismissed accordingly.

(Irshad Hussain, J.) **(A. A. Desai, C.J.)**

Dt. 19.09.2002
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